

CHAPTER XV

BOARD OF HEALTH, NATICK, MASSACHUSETTS

RULES AND REGULATIONS GOVERNING THE LICENSING AND PRACTICE OF MASSAGE THERAPY, MASSAGE THERAPY ESTABLISHMENTS AND THE OPERATIONS OF VAPORS, SHOWERS AND OTHER BATHS.

NATICK BOARD OF HEALTH, NATICK, MASSACHUSETTS ACTING UNDER THE AUTHORITY OF MASSACHUSETTS GENERAL LAWS CHAPTER 111, SECTION 31 AND CHAPTER 140, SECTIONS 51-53 ADOPTS THE FOLLOWING:

SECTION 1. DEFINITION

- 1.1 APPROVED shall mean approved by the Board of Health.
- 1.2 MASSAGE THERAPY shall mean any method of applying pressure, friction or manipulating the superficial external or deep tissues, muscles, joints or bones; soft tissue of the human body by rubbing, kneading, tapping, pounding or stroking with the hands or arms; with or without the aid of any manual electronic or mechanical instrument; with or without supplementary aids such as rubbing alcohol, liniments, oils, creams, lotions, powders or similar preparations used in the practice for stimulating circulation, reducing tension, and/or to provide for an increase in a person's health and well-being.
- 1.3 MASSAGE THERAPIST shall mean any person who has been trained in the art of massage therapy and who has completed a program of instruction in massage therapy approved by the Board of Health of the town of Natick.
- 1.4 ESTABLISHMENT FOR MASSAGE THERAPY OR VAPORS, SHOWS AND OTHER BATHS shall mean any office, building, place of business or premises where massage therapy is practiced as described in Section 1.2 or where therapeutic or conditioning baths of water, vapors or other similar substances are given.
- 1.5 PERSON shall mean any individual, co-partnership, corporation, company, association, firm, society or any combination of individuals of whatever form or character.

- 1.6 SANITATION shall mean an effective bactericidal treatment by a process that provides enough accumulation of heat or concentration of chemicals for enough time to reduce bacterial count, including pathogens, to a safe level on clean towels, linens and instruments.
- 1.7 VAPOR BATHS shall mean any device, compartment or room designed to immerse or surround all or part of the human body in steam, fog or mist in a contained space. The term shall include, but not limited to, saunas, steam rooms, Turkish baths, Finnish steam baths, and steam cabinets.

SECTION 2. PERSONAL LICENSURE

- 2.1 LICENSE. No person shall practice massage therapy, or conduct an establishment for giving of massage therapy; or vapor, shower or other baths, or advertise or hold himself out as being engaged in the business of massage therapy or giving of said baths in the town of Natick without receiving a license therefore from the Board of Health, town of Natick.
- 2.2 REQUIREMENTS. Any person desiring to obtain a license to practice massage therapy or conduct an establishment for giving massage therapy, vapor, shower or other baths shall make written application for such license on a form provided by the Board of Health.

The application for license shall include the following:

- A. Applicant must be at least eighteen (18) yrs. of age.
- B. A certified copy of proof of graduation from a school of massage therapy approved by the American Massage Therapy Association or the commonwealth of Massachusetts Department of Education or the Board of Education in the state in which the school is located.
- C. A minimum of 500 hrs and six (6) months of instruction and practicum training, with a letter of recommendation from where training was obtained.
- D. Copies of three (3) professional letters of recommenda-

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tion.

- E. Certification that the applicant is free of Tuberculosis in a communicable form or any other communicable disease as set forth by the Massachusetts Department of Public Health.
- F. The name and address of all licensed establishments at which the applicant intends to practice.
- G. All criminal convictions, forfeiture of bond, or plea of nolo contendere, excluding traffic, misdemeanor or infraction violations.

2.3 EVERY applicant for a license shall provide evidence satisfactory to the Board of Health to be of good moral and ethical character, of training and experience, and of physical fitness to enable the applicant to engage in the calling that he/she desires; and any licensee whosoever may at any time be required to furnish additional evidence of such character, fitness, training and experience.

2.4 NO LICENSEE shall perform massage therapy outside of a licensed establishment or in the home of a client unless specifically authorized by the Board of Health.

2.5 NO LICENSEE shall perform massage therapy on a person of the opposite sex unless specifically authorized by the Board of Health. The procedure for obtaining such approval is outlined in subsections 2.5a through 2.5d.

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- A. Requests for authorization to perform cross-gender massage will be reviewed on a case-by-case basis.
- B. A massage therapist requesting cross-gender authorization shall petition the Board of Health in writing, indicating his/her reasons for the request.
- C. The applicant shall appear at a scheduled interview before the Board of Health at which the Board will determine whether or not the applicant demonstrates a high level of professionalism toward the practice of cross-gender massage.
- D. The cross-gender authorization shall be reviewed annual upon application for renewal of the license

to practice massage therapy. Continuation of the authorization shall be contingent upon complete compliance with Chapter XV of the Natick Board of Health Regulations during the year preceding.

- 2.6 FAILURE to comply with all applicable provisions of these regulations may result in suspension or revocation of the license, by majority vote of the Board of Health.
- 2.7 THE FEE for such license shall be as established in the Natick Board of Health Fee Schedule and the license shall expire on April 30th of each year.

SECTION 3. LICENSING EXCEPTION AND EXCLUSION

- 3.1 The licensing provisions of these regulations shall not apply to the following classes of individuals while engaging in the performance of the duties of their respective professions:
 - a. Physicians, Surgeons, Chiropractors, Osteopaths, Podiatrists, Physical Therapists or Occupational Therapists who are duly licensed to practice their respective profession in the Commonwealth of Massachusetts.
 - b. Barbers and Beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, and or scalp of the customer or client.
 - c. Health Care Personnel in hospitals, nursing homes, or other health care facilities licensed by the Commonwealth of Massachusetts.
 - d. Coaches and athletic trainers acting with the scope of their employment at accredited schools or educational institutions.

SECTION 4. ESTABLISHMENT LICENSURE

- 4.1 LICENSE. Every establishment for the offering of massage therapy; or vapor, pool, shower or other baths shall be licensed by the Board of Health.

- 4.2 FEE. The fee for such a license shall be as established by the Board of Health Fee Schedule and licenses shall expire on April 30th of each year.
- 4.3 REQUIREMENTS. Every establishment for offering of massage therapy; or vapor, pool, shower or other baths shall meet the following standards:
- A. All persons in each establishment engaging in the practice of massage therapy shall hold a valid license from the Natick Board of Health.
 - B. All rooms shall be well lighted and well ventilated.
 - C. Floors, walls, ceilings and other physical facilities of the establishment shall be maintained in a clean sanitary condition at all times.
 - D. Hot and cold running water from an approved source shall be provided, constructed, maintained and operated according to the applicable laws and in sufficient supply necessary to conduct the operations of the establishment.
 - E. Toilet facilities shall be installed according to the applicable laws; shall be at least one and not less than the number required by law; shall be conveniently located and accessible to employees and patrons at all times.
 - F. Establishments shall be equipped with an adequate supply of clean sanitary towels, coverings and linens which shall be stored so as to protect them from contamination. Towels and linens shall not be used on more than one patron unless they have been laundered and sanitized. Soiled linens and disposable items shall be deposited in separate covered receptacles and shall be disposed of as often as necessary in an approved sanitary manner.
 - G. All instruments and devices used by any person licensed to practice massage therapy or conduct an establishment for giving of massage therapy, for direct application to the bodies of patrons, or for holding materials to be applied to the body, shall be

kept clean and sanitized. Adequate provisions shall be made for cleaning and sanitizing.

- H. No licensed establishment shall be kept open or operate except between the hours of 7 o'clock A.M. and 10 o'clock P.M. unless authorized by the Board of Health.
- I. The conduct or operation of the business for which the permit is requested, and the place set forth in the application, shall not violate any law, regulation, or ordinance of the Town of Natick or the Commonwealth of Massachusetts.
- J. Every person licensed to practice massage therapy or to operate an establishment for giving massage therapy; or vapors, pool, shower or other baths will be issued a certificate to that effect from the Board of Health and the licensee shall have this certificate in his/her possession whenever and wherever he/she may engage in the practices so mentioned, and if requested shall show such certificate to any legally authorized public official or officer.
- K. Agents of Massachusetts Department of Public Health, the Natick Board of Health or the Natick Police Department as provided in the Massachusetts General Laws Chapter 140, Section 52, may enter an establishment licensed for the giving of massage therapy; vapors, pool, shower or other baths at any reasonable time for the purpose of making an inspection to ascertain whether the establishment is in compliance with these regulations. Refusal to allow entry to authorized persons shall be sufficient reason to revoke the license under sections 2.1, 2.2 and 4.1.

4.4 VAPORS, SHOWER AND OTHER BATHS ADDITIONAL REQUIREMENTS:

- A. Operator shall provide for each sex, when applicable,

separate dressing and toilet facilities which are adequate in number for the persons who may use the Vapors, Showers or Other Baths at one time.

- B. Finished materials of the walls and partitions of dressing rooms shall be smooth, non-absorbent and capable of being sanitized. Dressing rooms shall be of ample size, well lighted, drained, ventilated and maintained in good, clean, sanitary condition at all times.
- C. Floor mats, if provided, shall be made of a nonporous, rough, perforated rubber, plastic or other approved material.
- E. Every bath tub without a system for recirculation and purification of the tub water shall be drained, sanitized and refilled for each user.
- F. All Vapors, Showers or Other Baths, shower rooms, shower compartments and toilet rooms shall be thoroughly cleaned every day the establishment is in operation.
- G. No person having a disease communicable by the performance of their duties as an employee of a Vapor, Shower or Other Bath shall be employed by the establishment.
- H. Any person having a disease communicable by conditions ordinarily associated with the use of a Vapor, Shower or Other Bath shall be excluded from its use.

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4.5 VAPOR BATHS SPECIAL REQUIREMENTS:

- A. The temperature shall be thermostatically controlled and shall not exceed 194 degrees Fahrenheit or 90 degrees Celsius for a sauna room and 120 degrees Fahrenheit or 49 degrees Celsius for a steam room.
- B. The Vapor Bath room shall be equipped with a free swing type door and a window to facilitate viewing the interior of the room.

- C. A timing device and temperature indicator shall be provided and so located as to be clearly visible to the user.
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- D. A sign made of metal, plastic or any other durable material approved by the Board of Health shall be affixed to the outside and inside of the sauna or steam room doors at eye level. The plate shall bear the following or equivalent wording in one inch high lettering in contrasting colors with the background:
WARNING: USE OF THIS ROOM SHOULD NOT EXCEED 30 MINUTES; EXCESSIVE EXPOSURE CAN BE HARMFUL; PREGNANT WOMEN, ELDERLY, AND PERSONS WITH HEART DISEASE, DIABETES, HIGH OR LOW BLOOD PRESSURE SHOULD CONSULT THEIR PHYSICIAN BEFORE USING FACILITY. USE OF THIS FACILITY WHILE UNDER THE INFLUENCE OF ALCOHOL OR NARCOTICS OR WHILE USING MEDICATION IS PROHIBITED.

4.6 POOL BATHS SPECIAL REQUIREMENTS:

A. Any establishment which provides a Speciality Purpose Pool as defined in the State Sanitary Code Chapter V, Minimum Standards for Swimming Pools, 105 CMR 435.000 shall meet all requirements of the State Sanitary Code.

SECTION 5. PENALTY

- A. Criminal Complaint - Whoever violates any provisions of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.
- B. Non-Criminal Disposition - Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: \$50.00 for the first offense; \$100.00 for the second offense; \$200.00 for the third offense; and \$300.00 for the fourth and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate

offense.

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